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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/576,085

04/14/2006

In Haeng Cho

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04/23/2010

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EXAMINER

KO, STEPHEN K

ART UNIT

PAPER NUMBER

1714

MAIL DATE

DELIVERY MODE

04/23/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-----------------------------------|--|
| Office Action Summary | Application No. 10/576,085 | Applicant(s) CHO ET AL. | |
| | Examiner STEPHEN KO | Art Unit 1714 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) 1-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/03/2010 has been entered.

2. Claims 1-5 and 7-10 are currently pending in the application. Claims 5 and 7-10 are examined on the merits.

Claim Rejections - 35 USC § 112

3. Rejection to claims 5 and 7-10 under 35 U.S.C. 112, second paragraph is withdrawn in view of applicants' amendment.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 5, and 7-10 are rejected under 35 U.S.C. 103(a) as being obvious over Choi (US 2006/0054198) in view of Jung et al (US 2003/0221709).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

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the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Choi teaches a controlling method for a dishwasher comprising the steps of operating a wash pump (Fig.2, #300, paragraph [0084]) and a discharge member (Fig.1, #45 and #43 as a whole), the discharge member switching between an upper arm and a lower arm, the switching of the discharge member between the upper arm and the lower arm occurring at least one (Fig.4, paragraph [0085]); determining by a control unit whether the switch discharge member is the upper arm after elapsing predetermined time from beginning the wash cycle (Fig.4, #S130, paragraph [0087], the determining step is preformed after at least steps #s110 and #s120 (read as elapsing predetermined time from beginning the wash cycle)); switching the discharge member to the upper arm when the determined discharge member is the lower arm (Fig.4, #S120, paragraph [0085]); finishing the wash cycle after operating the upper arm for a setting time (note

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that the wash cycle can be completed only if the water is supplied to the upper arm (Fig.4, #s130)).

Choi remains silent about the steps of selecting a wash cycle by a user and inputting operation commands; and beginning a cycle according to the selection of the wash cycle.

However, examiner takes official notice that the steps of selecting a wash cycle by a user and inputting operation commands; and beginning a cycle according to the selection of the wash cycle are well known and commonly used in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Choi by adding the steps of selecting a wash cycle by a user and inputting operation commands; and beginning a cycle according to the selection of the wash cycle to optimize cleaning performance according to the condition of the dishes.

Choi remains silent about the step of operating other cycles if the wash cycle has been completed.

However, Jung et al teach a method for controlling a dishwasher comprising the steps of drying cycle; and odor eliminating cycle after the washing cycle has been completed (Fig.5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Choi by adding the step of operating other cycles if the wash cycle has been completed as motivated by Jung et al to remove unpleasant odors (Jung et al, paragraph [0001]).

For claim 7, note that the discharge member has a running time depending on the operation of the wash pump.

For claim 8, note that Choi teaches operating the wash pump and the discharge member including switching the discharge member by the control unit when the running time of the wash pump reaches a first setting time (Fig.4).

For claim 9, note that Choi teaches operating a switched discharge member from the time of switching the discharge member until the running time of wash pump reaches a second setting time (Fig.4).

For claim 10, note that Choi teaches performing determining operation when the running time of the wash pump reaches the second setting time (Fig.4).

Response to Arguments

6. Applicant's arguments with respect to claims 5 and 7-10 have been considered but are moot in view of the new ground(s) of rejection.

7. In response to applicants' argument that Choi does not teach determining by a control unit whether the switch discharge member is the upper arm after elapsing predetermined time from beginning the wash cycle, the Examiner's position is that Choi does teach the recited limitation. Choi teaches the step of determining by a control unit whether the switch discharge member is the upper arm (Fig.4, #S130, paragraph [0087]). Choi also teaches that the determining step is preformed after at least steps #s110 and #s120 (read as elapsing predetermined time from beginning the wash cycle).

8. In response to applicants' argument that Choi does not teach finishing the wash cycle after operating the upper arm for a setting time, the Examiner's position is that

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Choi does teach the step of finishing the wash cycle after operating the upper arm for a setting time since the wash cycle can be completed only if the water is supplied to the upper arm (Fig.4, #s130).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHEN KO whose telephone number is (571)270-3726. The examiner can normally be reached on Monday to Thursday, 7:30am to 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Kornakov can be reached on 571-272-1303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SK

/Michael Kornakov/

Supervisory Patent Examiner, Art Unit 1714